

REMARKS

Applicant appreciate the Examiner's withdrawal of the prior Final Rejection. Applicant will now address the Examiner's new rejections in the order in which they appear in the Final Rejection.

Claim Rejections - 35 USC §102

In the Final Rejection, the Examiner rejects Claim 1 under 35 USC §102(b) as being anticipated by Arai et al. (US Publ. 2001/0041268). This rejection is respectfully traversed.

More specifically, the Examiner asserts the Arai "discloses the transparent film [2] SiO_x has refractive index varying 1.40 to 1.55 from an interface ata [sic at a] side of the substrate to an interface at a side of the first electrode by gradation of x in the thickness direction."

While Applicant traverses this rejection, in order to advance the prosecution of this application, Applicant is amending Claim 1 to recite "wherein a refractive index of the transparent film gradually increases from an interface at a side of the substrate to an interface at a side of the first electrode." This feature is supported by, for example, page 7, lines 7-14 and page 12, lines 1-13 in the specification of the present application.

In contrast, in Arai, the barrier layer (2) containing SiO_x is formed in order to prevent migration of impurities in the substrate glass such as sodium and potassium [see para. 0012 in Arai]. In addition, the barrier layer is required to have a refractive index of 1.40 to 1.55 in the barrier layer. Further, Arai does not intend to adjust the refractive index of the barrier layer with respect to other elements, such as the adjacent substrate (1)

or the adjacent anode (3). Hence, there appears to be no disclosure or suggestion in Arai of a varying refractive index from one side to another. Further, Arai does not disclose or suggest which side of a transparent film has an increased refractive index with respect to the other side. Therefore, Arai does not disclose or suggest the above feature of Claim 1.

Therefore, Arai does not disclose or suggest the device of Claim 1, and Claim 1 is patentable thereove. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claim Rejections - 35 USC §103

The Examiner also now rejects Claims 1, 2, 4, 5, 6, 8-11, 14-16, 19-21, 23-25, 27-30, 33-35 and 39 under 35 USC §103(a) as being unpatentable over Yamazaki et al. (US 6,894,431) and further in view of Shimizu (US 5,003,221). This rejection is also respectfully traversed.

The present invention relates to, among other features, a light emitting device and method for manufacturing a light emitting device with higher light extraction efficiency by providing a transparent film in which the refractive index gradually varies in a film thickness direction. On the other hand, Yamazaki studies “homogeneity of a quality of an image” and “an operating speed of a driver circuit portion” of a light emitting element by decreasing a resistance of wirings in a printed wiring board (PWB). See e.g. abstract and whole specification of Yamazaki. Hence, as the Examiner admits, Yamazaki does not disclose or mention a difference of refractive index between a substrate and adjacent layer. Further, the “Problem to be solved” is different between Yamazaki and Shimizu. Therefore, there is no reason, suggestion or motivation to combine a light emitting device

of Yamazaki with a thin film layer of Shimizu. Hence, this rejection is not proper and should be withdrawn.

Conclusion

It is respectfully submitted that the present application is in a condition for allowance should be allowed.

Please charge our Deposit Account No. 50-1039 for any fee due for this amendment and or RCE.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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